

HOUSE No. 847

By Mr. Fagan of Taunton, petition of James H. Fagan relative to the age for prosecution of juveniles. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT RELATIVE TO JUVENILE JUSTICE.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. It is the intention of the General Court to amend
2 the General Laws to provide that anyone charged with a criminal
3 violation of a General Law, subsequent to attaining the age of
4 fourteen years, shall be prosecuted as an adult. It is further the
5 intention of the General Court to exempt individuals who have
6 not yet attained the age of twenty-one years from any mandatory
7 sentence imposed for violating a General Law, but to allow the
8 court discretion to sentence said individuals to any fine or any
9 term of years up to and including the maximum incarceration
10 term otherwise allowable for that violation.

1 SECTION 2. Section 52 of chapter 119 of the General Laws, as
2 appearing in the 2002 Official Edition, is hereby amended, in line
3 5, by striking out the word “seventeen” and inserting the word:—
4 fourteen.

1 SECTION 3. Section 54 of chapter 119, as so appearing, is
2 hereby amended by striking out, in line 2, the word “seventeen”
3 and inserting in place thereof the following word:— fourteen.

1 SECTION 4. Chapter 263 of the General Laws, as so
2 appearing, is hereby amended by adding at the end thereof the
3 following section:—

4 Section 10. All mandatory sentencing provisions for incarceration
5 tion contained in the General Laws, including but not limited to,
6 sections twenty-three, twenty-four, twenty-four G, and twenty-
7 four L of chapter ninety, sections thirty-two through thirty-two E,
8 inclusive, of chapter ninety-four C, sections fifteen A, fifteen B,
9 seventeen, eighteen, eighteen A, and nineteen of chapter two hundred
10 sixty-five, sections twenty-five and twenty-eight of chapter
11 two hundred sixty-six, and section ten of chapter two hundred
12 sixty-nine, shall not apply to any individual who has not yet
13 attained the age of twenty-one years. The court shall have the discretion
14 to sentence those individuals not yet attaining the age of
15 twenty-one years to any fine or any term of years up to and
16 including the maximum incarceration time otherwise allowable
17 for that violation.